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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DONOVAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 1, 2016.

I hereby appoint the Honorable DANIEL M. DONOVAN, Jr. to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, in a few moments this morning, I will be introducing a House resolution, a bipartisan House resolution, with Congressman DON YOUNG from the State of Alaska calling on the Senate to, once and for all, ratify the U.N. Convention on the Law of the Sea Treaty.

Mr. Speaker, this is a treaty which was negotiated by the Reagan administration back in the late 1980s. It is a treaty which has been endorsed by Democratic Presidents, Republican Presidents, Condoleeza Rice, and military leadership of all stripes, to create a system of rules of the road in terms of maritime disputes.

As I said, the military leadership of this country has been adamant and consistent year in and year out about the need for our country to join 166 other countries in the world in terms of ratifying this treaty. As Marine General Joe Dunford said a short time ago, the Chairman of the Joint Chiefs of Staff: ''We undermine our leverage by not signing up to the same rule book by which we are asking other countries to accept.''

Today, as this map shows, all the purple countries are those that have ratified the treaty, and the blue countries are those that have not. The United States joins the following company in terms of refusing to ratify this treaty: North Korea, Iran, Syria, Libya, and Venezuela.

Now, again, this is a measure which has been debated over the years, and it has been, I would argue, sort of a Washington, D.C., parlor game in terms of the theoretical impact that it may or may not have; but in recent months, the need to do this has become much sharper and clearer.

This past week at the House Committee on Armed Services, which I serve on, and I am the ranking member of the Subcommittee on Seapower and Projection Forces, Admiral Harry Harris testified. He is our commander of PACOM. He has all of Asia-Pacific, the region of the world where China today is blatantly violating maritime law by creating islands out of nothing, creating landing strips and militarizing those new land masses in a clear attempt to, again, violate the U.N. Convention on the Law of the Sea Treaty by creating an economic zone that is going to interfere with the free passage of commercial traffic. Ninety-five percent of the world's commodities go by sea. Their intentions are crystal clear.

Admiral Harris, when he testified the other day, made it also very clear that ''acceding to the convention''—the Law of the Sea Treaty—''gives us the moral high ground to criticize those countries that would seek to inhibit freedom of maneuver in the oceans and airspace around the world, including the Asia-Pacific region.''

Interestingly, the following day, General Philip Breedlove, the commander of NATO, European Command for the U.S., came in and without any prompting testified to exactly the same policy position because what he is seeing in his region of the world is that a resurgent Russia is militarizing the Arctic Circle, that they are using this, again, melting of the ice cap as an opportunity to militarize that region of the world and try and control what is going to be a maritime passage, where both military assets and commercial traffic are going to move back and forth.

General Breedlove, again, made exactly the same point: we need to get into the game. This was made crystal clear just a few months ago. The Government of the Philippines, to its credit, has challenged China. They filed an application before The Hague, citing the Law of the Sea Treaty, that what they are doing in the South China Sea blatantly violates international law.

The United States asked not to participate directly as a party, because we haven't ratified the treaty, but simply to be an observer, to be a friend of the court to be able to contribute ideas and data—which our Navy has more than any other Navy in the world—and we were denied observer status because we have not ratified this treaty.

So right now people are hard at work in The Hague writing the rules of the road in terms of maritime issues that are going to determine budgets. And, again, I am the ranking member of the

Subcommittee on Seapower and Projection Forces, so this is driving a lot of decisions about building submarines and surface ships and stronger munitions because of what is happening in the South China Sea.

It is also going to be driving the outcomes of what is happening with resurgent Russia. Putin is not kidding around in terms of what he is doing in the Arctic Circle or in the North Atlantic. General Breedlove made that very clear. We are playing, right now, zone defense in terms of what is happening in that region of the world.

It is time for the Congress to listen, if nothing else, to our military leadership and recognize the international Law of the Sea Treaty, which 166 nations in the world have ratified. It is time for the U.S. to get in the game, get off the bleachers, and be able to set those rules because it is going to determine, for decades to come, decisions that this body is going to be stuck with if we are not part of that process.

Again, our military leadership, the Chairman of the Joint Chiefs of Staff, our CNO of the Navy, the head of the Coast Guard, they have all been very clear and public about the fact that it is time for this Nation to get into the game and endorse the international Law of the Sea Treaty.

I am very pleased that Congressman YOUNG is joining me in this effort. I urge all Members to support this resolution which will be filed this morning.

RESTORING AMERICA'S GIANTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, today I rise to talk about a blight that nearly rendered the American chestnut extinct and recognize a teacher in Alexander County, North Carolina, who is helping to lead in the rebirth of these great trees.

The American chestnut was once the dominant hardwood species in the Eastern United States. Prior to the European colonization of North America, American chestnut trees were found in vast stands from Maine to Florida, with the largest trees occurring in the southern Appalachians.

When early European settlers arrived, the species was used in many different ways, including providing timber and tools. The edible nut was also a significant contributor to the rural economy. Families would collect the nuts to sell and eat, and they were also used as feed for livestock. Domesticated hogs and cattle were often fattened for market by allowing the animals to gorge themselves on these highly nutritious nuts.

Chestnut ripening coincided with the Thanksgiving and Christmas holidays, and turn-of-the-century newspaper clippings show traincars rolling into major cities that were overflowing with chestnuts to be sold fresh or roasted. The American chestnut was truly a heritage tree.

However, the booming trade industry introduced fungal diseases that would change the species composition of eastern North American forests. A root rot disease, thought to have caused mortality of chestnuts in low, moist areas infested southern populations of the American chestnut and constricted its natural range. This fungal disease was followed by the more commonly known chestnut blight, which spread throughout eastern hardwood forests at a rate of up to 50 miles per year.

By the 1950s, virtually all mature American chestnut trees had succumbed to the disease, and this catastrophe became known as one of the worst ecological disasters in the United States. The American chestnut has been relegated to a minor understory component, existing as sprouts from old stumps and root systems.

Today modern techniques are being used to bring the species back from near extinction, but the success of these efforts will be the result of decades of genetic hybridization. The American Chestnut Foundation has embarked on an elaborate and time-consuming breeding program to develop a tree that can withstand blight and exhibit virtually every characteristic of the American chestnut of the past. By backcrossing the American chestnut with the blight-resistant Chinese chestnut, the foundation has produced the Restoration chestnut.

Last December The American Chestnut Foundation planted four Restoration chestnuts on the campus of Alexander Central High School in Taylorsville. Becky Dupuis, a biotech and biology teacher with Alexander County Schools, has partnered with the foundation to gather information about the health, diversity, and blight resistance of these trees. Her students will actively participate in collecting data, documenting growth rates, and transplanting American chestnut sprouts in Alexander County.

Ms. Dupuis should be commended for raising awareness about the American chestnut and for her work to reintroduce these giants to their rightful place in Alexander County and America's ecosystem.

SUPREME COURT VACANCIES IN ELECTION YEARS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. HIMES) for 5 minutes.

Mr. HIMES. Mr. Speaker, as you know, it has been the custom of the last couple of Congresses to open the Congress with a reading of the entire United States Constitution. I have generally not participated in that because I am not all that comfortable with public displays of piety, and I am a big believer in the notion that what really matters is what you do, not what you say.

Never has the spread between what we say and what we do been quite as wide as it is when we consider the approach that my friends on the Republican side have taken with respect to the absolutely essential constitutional duty of appointing a Supreme Court Justice.

So I am going to break with my past pattern and read briefly from the Constitution, Article II, section 2, which reads:

''He shall have power''—that is referring to the President—''by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers and consuls, Judges of the Supreme Court.''

And there it ends. He shall appoint Justices of the Supreme Court. There it ends.

There is nothing there about he won't do that in an election year. There is nothing there saying that if there is not enough time, he won't exercise his constitutional authority. There is nothing there that, maybe because then-Senator BIDEN said something 25 years ago, he won't appoint a Supreme Court Justice.

And yet my colleagues on the other side of the Capitol have said they won't even offer the President's nomination the courtesy of a meeting. And let's be very clear. That is a profound abrogation of the constitutional duty that is set out in black and white in the Constitution of the United States.

So let's just spend a minute on the three objections that we are hearing from the Republicans on why the President shouldn't appoint and why they shouldn't even extend the courtesy of a meeting to the President's proposed appointment to the Supreme Court.

First and foremost, they say that it is an election year. The precedent would dictate that the President not nominate in an election year. Well, that is exactly wrong, and you can look it up. These are historical facts. I will just read quickly from SCOTUSblog, which a lot of people look at, in which Amy Howe, the editor, says: ''The historical record does not reveal any instances since at least 1900 of the President failing to nominate and/or the Senate failing to confirm a nominee in a Presidential election year because of the impending election.''

The historical record does not reveal any instances. And then it goes on to list those that have occurred:

President William Taft nominated Mahlon Pitney. Woodrow Wilson made two nominations in 1916—Louis Brandeis and John Clarke. President Herbert Hoover nominated Benjamin Cardozo. President Franklin Roosevelt nominated Frank Murphy. President Ronald Reagan, patron saint of my friends on the other side of the aisle, nominated Justice Anthony Kennedy.

So the idea that there is no precedent is exactly wrong.